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THE BANK OF NEW YORK MELLON, FKA
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NATIONAL ASSOCIATION, AS TRUSTEE
FOR J.P. MORGAN MORTGAGE
ACQUISITION TRUST 2006-WMC2,
ASSET BACKED PASS-THROUGH
CERTIFICATES, SERIES 2006-WMC2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MELVIN KEAKAKU AMINA AND
DONNA MAE AMINA, HUSBAND
AND WIFE,

Plaintiffs,

vs.

THE BANK OF NEW YORK
MELLON, FKA THE BANK OF NEW
YORK; U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
J.P. MORGAN MORTGAGE
ACQUISITION TRUST 2006-WMC2,
ASSET BACKED PASS-THROUGH

Case No. CV 11-00714 JMS BMK

DEFENDANTS THE BANK OF NEW
YORK MELLON, FKA THE BANK
OF NEW YORK AND U.S. BANK
NATIONAL ASSOCIATION, AS
TRUSTEE FOR J.P. MORGAN
MORTGAGE ACQUISITION TRUST
2006-WMC2, ASSET BACKED
PASS-THROUGH CERTIFICATES,
SERIES 2006-WMC2'S **CONCISE
STATEMENT OF FACTS IN**

(Caption continued on next page)

CERTIFICATES, SERIES 2006-WMC2,

Defendants.

SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT;
DECLARATION IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT; DECLARATION OF MELISSA M. UHL; DECLARATION OF ERICA WALSH; EXHIBITS "A" – "P"; CERTIFICATE OF SERVICE

Trial Date: None

Judge: Hon. J. Michael Seabright

DEFENDANTS THE BANK OF NEW YORK MELLON, FKA THE BANK OF NEW YORK AND U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR J.P. MORGAN MORTGAGE ACQUISITION TRUST 2006-WMC2, ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-WMC2'S CONCISE STATEMENT OF FACTS IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT

Pursuant to Local Rule 56.1, Defendants The Bank of New York Mellon, formerly known as The Bank of New York ("BONY") and U.S. Bank National Association, as Trustee for J.P. Morgan Mortgage Acquisition Trust 2006-WMC2, Asset Backed Pass-Through Certificates, Series 2006-WMC2 ("U.S. Bank", together with BONY, "Defendants"), by and through its attorneys Alston Hunt Floyd & Ing, hereby submits the following Concise Statement in Support of its Motion for Summary Judgment, filed concurrently herewith:

No.	Facts	Evidentiary Support
1.	On or about February 24, 2006, Melvin Keakaku Amina and Donna Mae Amina (collectively, the "Aminas") as borrowers, executed a Balloon Note in favor of WMC	Declaration in Support of Motion for Summary Judgment ("Declr."), ¶ 4; Exhibit "C"

No.	Facts	Evidentiary Support
	Mortgage Corp., as lender, in the amount of \$880,000.00 (the "First Note"). The First Note is endorsed in blank.	Donna Amina Deposition (Exhibit "N") at 18:4-16; Melvin Amina Deposition (Exhibit "O") at 13:16-25, 14:5-25, 15-18:3, and Exhibit "O-1" included therein
2.	On or about February 24, 2006, the Aminas, as borrowers executed a Balloon Note in favor of WMC Mortgage Corp., as lender, in the amount of \$220,000.00 (the "Second Note").	Exhibit "N" at 18:4-16; Exhibit "O" at 13:16-25, 14:1-4, 18:4-9, 18:19-24, 19:16-18, and Exhibit "O-2" included therein
3.	To secure repayment of the loans, the Aminas executed two Mortgages in favor of WMC Mortgage Corp. on property located at 2304 Metcalf Street 2, Honolulu, Hawai'i 96822 (the "Property").	Declr., ¶ 4; Exhibit "B"; Exhibit "N" at 18:4-16; Exhibit "O" at 13:16-14:4, 22:1-6, 22:15-21, 23:8-9, 23:14-20, 23:21-24:17, 25:6-23, 32:5-7, and Exhibits "O-3" and "O-4" included therein
4.	The mortgages were executed by the Aminas on or about February 24, 2006 and recorded in the Bureau of Conveyances of the State of Hawai'i ("Bureau") as Document Nos. 2006-042511 ("First Mortgage") and 2006-042512 ("Second Mortgage") on March 6, 2006.	<i>Id.</i>
5.	Around June, 2006, the Loans were transferred to J.P. Morgan Acquisition Trust 2006-WMC2, Asset Backed Pass-Through Certificates, Series 2006-WMC2 trust, pursuant to the Pooling and Servicing Agreement, dated June 1, 2006 ("PSA").	Decl., ¶ 5; Exhibit "D" at Article II, Section 2.01
6.	The First Mortgage and Second Mortgage are listed in the Mortgage Loan Schedule at pages 1 and 43.	Decl., ¶ 6; Exhibit "E"

No.	Facts	Evidentiary Support
7.	An assignment of the First Mortgage from WMC Mortgage Corp. to U.S. Bank National Association, as Trustee for J.P. Morgan Mortgage Acquisition Trust 2006-WMC2, Asset Backed Pass-Through Certificates, Series 2006-WMC2 was recorded in the Bureau as Document No. A-44770919.	Decl., ¶ 7; Exhibit "F"
8.	<p>The Aminas filed their first Complaint related to their loans in March 2010 in <i>Amina et al. v. WMC Mortgage Corp. et al.</i>, Civ. No. 10–00165 JMS–KSC ("First Lawsuit") against WMC Mortgage Corp., General Electric Company, MERSCORP, Inc., Mortgage Electronic Registration Systems, Inc., Chase Home Finance LLC, Chase Home Finance, Inc., LCS Financial Services Corporation, and Unknown Owners of the Evidence of the Debt and/or Owners of the Note.</p> <p>On May 31, 2011, the Aminas filed their Second Amended Complaint in the First Lawsuit.</p>	Declaration of Melissa M. Uhl ¶ 3; Exhibits "G" and "H"
9.	On February 24, 2012, the First Lawsuit was dismissed with prejudice by the court for failure to prosecute.	Exhibit "I"
10.	The Aminas appealed and the Ninth Circuit affirmed this dismissal on January 28, 2014.	Exhibit "J"
11.	The Aminas filed a petition for rehearing, which was denied on May 21, 2014.	Exhibit "K"
12.	The Ninth Circuit issued its formal mandate on June 16, 2014.	Exhibit "L"

No.	Facts	Evidentiary Support
13.	The Aminas filed this lawsuit on November 28, 2011.	Exhibit "M" at Dkt. Nos. 115, 127, and 133
14.	Chase Home Finance LLC, is the servicer of the loans and was a defendant in the First Lawsuit.	Exhibit "D" at page 70 Exhibit "G"
15.	The Aminas' stopped making their mortgage payments around 2009.	Exhibit "N" at 48:10-49:14, 55:15-21; Exhibit "O" at 29:14-30:11.
16.	The Aminas are not able to tender the money to pay off their loans.	Exhibit "N" at 57:17-21, 58:6-23, 59:6-10
17.	The Mortgage debt has not been satisfied.	Exhibit "N" at 56:22-57:16; Exhibit "O" at 30:12-25, and 32:8-10.
18.	The First Mortgage and Second Mortgage were transferred to U.S. Bank.	Decl., ¶¶ 5, 7; Exhibit "F"
19.	U.S. Bank is in possession of the Note secured by the First Mortgage.	Decl, ¶ 4
20.	A Release of Mortgage for the Second Mortgage was recorded in the Bureau as Document No. A-53010835 on July 7, 2014.	Decl. ¶ 8; Exhibit "P"
21.	The Bank of New York Mellon subsequently became the successor in interest to J.P. Morgan Chase Bank, National Association, as Securities Administrator for the J.P. Morgan Acquisition Trust 2006-WMC2, Asset Backed Pass-Through Certificates, Series 2006-WMC2 trust.	Declaration of Erica Walsh ¶ 2

DATED: Honolulu, Hawai`i, 20 October 2014

/s/ Melissa M. Uhl
JADE LYNNE CHING
MELISSA M. UHL
Attorneys for Defendant
U.S. Bank National Association, as Trustee
for J.P. Morgan Mortgage Acquisition Trust
2006-WMC2, Asset Backed Pass-Through
Certificates, Series 2006-WMC2